



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 14/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8099 of 2019

1. Paiyanan,
2. Murugan,
3. Sundharammal,
4. Baskaran,
5. Chellapandi,
6. Venugopal,
7. Amuthavalli @ Amutha, ... Petitioners/Accused 1 to 7

Vs

The State through
The Inspector of Police,
Peraiyur Police Station,
Madurai District.
Cr.No.127 of 2019. ... Respondent/Complainant

For Petitioner : M/s.Senthil Kumaraiah
For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For anticipatory bail in cr.no.127 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioners/accused Nos.1 to 7, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 448, 379 and 506(ii) of IPC and Section 4 of Prohibition of Women Harassment Act and Section 3 of TNPPDL Act in Crime No.127 of 2019, seek anticipatory bail.

2.The learned counsel appearing for the petitioners has submitted that the petitioners are innocent and that already, several disputes are pending between the parties and hence, a false case has been registered against the petitioners. Hence, he prayed



for grant of anticipatory bail to the petitioners.

3. The learned Additional Public Prosecutor appearing for the respondent has submitted that already, the petitioner herein has filed a suit in O.S.No.136/1999 and the same was dismissed, against which, an appeal was filed and the said appeal was also dismissed. Further, the petitioner herein has also filed Second Appeal (MD).No.53/2007 before this Court and the same was also dismissed on 12.11.2018 with an observation that it is open to the petitioner herein to seek demarcation of 61 cents of the land by initiating appropriate proceedings. But, without adopting any legal course, the petitioner has caused damage to the fence and taken away the same to the value of Rs.20,000/-. Therefore, he opposed to grant anticipatory bail to the petitioners.

4. Taking into consideration of the submissions made by both sides, this Court is inclined to grant anticipatory bail to the petitioners by imposing certain conditions.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Peraiyur Madurai District on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) each of the petitioners shall deposit a sum of Rs.2,860/- (Rupees two thousand eight hundred and sixty only) to the credit of Cr.No.127 of 2019 on the file of the Peraiyur Police Station, Madurai District.

(ii) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(iii) the petitioners shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iv) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(v) the petitioners shall not abscond either during investigation or trial.

(vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action



against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
14/06/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PERAIYUR, MADURAI DISTRICT.

2 DO THRO' THE CHIEF JUDICAIL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
PERAIYUR POLICE STATION,
MADURAI DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to MR.J.SENTHIL KUMARAI AH, Advocate (SR-9840[I] dated
17/06/2019)

ORDER
IN
CRL OP(MD) No.8099 of 2019
Date :14/06/2019

AE/PN/SAR-II (21.06.2019) 3P 6C